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August 19, 2014

6 Attorney for Debtors/Defendants
7 ANTHONY THOMAS and WENDI
THOMAS
8

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 —ooOoo—

12 In Re: Case No. BK-N-14-50333-BTB
Case No. BK-N-14-50331-BTB
13 ANTHONY THOMAS and
WENDI THOMAS, Chapter 11 Cases
14 [Jointly Administered]
15 AT EMERALD, LLC,

16
17 Debtors,
18 _____/

Adv. Pro. No. 14-05022

19 KENMARK VENTURES, LLC,

20 Plaintiff,

AMENDED MOTION TO WITHDRAW
AS ATTORNEY OF RECORD

21 vs.

22 ANTHONY THOMAS and WENDI
THOMAS,

Hearing Date: OST Pending
Hearing Time: OST Pending

23 Defendants.
24 _____/

25 ALAN R. SMITH, ESQ., of the Law Offices of Alan R Smith (hereinafter “Movant”),
26 moves this Court to allow him to withdraw as attorney of record for Debtors ANTHONY
27 THOMAS and WENDI THOMAS and Debtor AT EMERALD, LLC, (hereinafter “Debtors”),
28 in the above-entitled matter pursuant to Rule 166 of the Supreme Court Rules of the State of Nevada

1 and Nevada Rules of Professional Conduct 1.16. This Motion is made and based upon the following
2 Points and Authorities, and the pleadings and papers on file in this case.

3 **POINTS AND AUTHORITIES**

4 Supreme Court Rule of Professional Conduct 1.16, made applicable by Local Rule 1A 10-
5 6(b) and (e), provides that:

6 No attorney may withdraw after appearing in a case except by
7 leave of Court after notice has been served on the affected client and
opposing counsel.

8 Movant has appeared on behalf of the Debtors in the above captioned matter and therefore
9 brings this Motion for leave to withdraw as their counsel of record. Movant's withdrawal is not
10 expected to cause any delay in these proceedings.

11 Nevada Supreme Court Rule 1.16, made applicable by Local Rule 1A 10-6, provides as
12 follows:

13 (b) Except as stated in paragraph (c), a lawyer may withdraw
14 from representing a client if:

15 (1) withdrawal can be accomplished without material adverse effect on
the interests of the client;

16 . . .

17 (6) The representation will result in an unreasonable financial burden on
18 the lawyer or has been rendered unreasonably difficult by the client;
or

19 (7) Other good cause for withdrawal exists.

20
21 In the case, Debtors have failed substantially to fulfill various obligations to Movant as
22 specified in the agreement between those parties. Specifically, Debtors have refused to communicate
23 timely and effectively with Movant. Further, Movant and the Debtors have come to an impasse
24 regarding certain aspects of Movant's representation that Movant believes cannot be overcome.
25 Movant believes that because of the difference of opinion as how best to proceed in this case, he can
26 no longer effectively represent the Debtors. As a result an adversarial relationship has developed,
27 and Movant has sought this withdrawal.

28 Movant believes that his withdrawal as counsel for Debtors will not adversely affect Debtors.

1 Movant has provided reasonable written warning to Debtors of his intention to withdraw because
2 of their failure to communicate and the disagreements between the parties. As a result, there is good
3 cause for Movant's withdrawal as counsel of record.

4 WHEREFORE, it is respectfully requested that this Court enter its order permitting the
5 immediate withdrawal of The Law Offices of Alan R. Smith, as attorneys of record for the Debtors,
6 and that all further pleadings and correspondence with regard to this matter be forwarded to Debtors
7 at their last known address as follows:

8 AT Emerald, LLC
9 c/o Anthony & Wendi Thomas
7725 Peavine Peak Court
Reno, NV 89523

10 Anthony & Wendi Thomas
11 7725 Peavine Peak Court
12 Reno, NV 89523

13 **DATED** this 19th day of August, 2014.

14 LAW OFFICES OF ALAN R. SMITH

15
16 /s/ Alan R. Smith
17 By _____
18 ALAN R. SMITH, ESQ.
19 Attorney for Debtor
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CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the Law Offices of Alan R. Smith, and that on this day I deposited for mailing at Reno, Nevada, and sent via email, a true and correct copy of the attached document addressed as follows:

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Dated: August 19, 2014 By: /s/ Debra L. Goss
Debra L. Goss, Employee